

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: Pennsylvania

SPOUSAL IMPOVERISHMENT PROVISIONS

Section 1924 provisions.

- a. Income and resource eligibility policies used to determine eligibility for institutional spouses who have a spouse living in the community are consistent with Section 1924 of the Act.
- b. In determination of resource eligibility, the State resource standard is \$16,392.
- c. The definition of undue hardship for purposes of determining if institutionalized spouses received Medicaid in spite of having excess countable resources is described below.

An institutionalized spouse shall not be ineligible by reason of resources determined to be available for the cost of care under the terms of Section 1924(c)(2) of the Act where the State determines that denial of eligibility on that basis would work an undue hardship.

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Supercedes

TN NO. 98-01, 97-003, 96-002, 94-001, 93-002, 92-02, 91-33, and 91-01

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SPOUSAL IMPOVERISHMENT PROVISIONS

Section 1924 provisions.

- a. Income and resource eligibility policies used to determine eligibility for institutional spouses who have a spouse living in the community are consistent with Section 1924 of the Act.
- b. In determination of resource eligibility, the State resource standard is \$16,152.
- c. The definition of undue hardship for purposes of determining if institutionalized spouses received Medicaid in spite of having excess countable resources is described below.

An institutionalized spouse shall not be ineligible by reason of resources determined to be available for the cost of care under the terms of Section 1924(c)(2) of the Act where the State determines that denial of eligibility on that basis would work an undue hardship.

SUPPLEMENT 11

INCOME

(A) AFDC-related

Refer to items numbered 10 a, e, f, on Attachment 2.6-A, pages, 18, 19, 20.

The eligibility groups covered by the less restrictive income methodologies include those listed in Social Security Act sections 1902(a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), and (a)(10)(A)(i)(IX).

- (1) Lump Sum - For AFDC-related categorically needy nonmoney payment and medically needy only applicants/recipients, the receipt of a lump sum, which is normally treated as a resource, will be treated as income in accordance with the AFDC cash assistance rule when it would be more beneficial to the applicant/recipient to treat the lump sum as income rather than a resource.
- (2) Work Expense Deduction - AFDC-related cases with earned income are entitled to a work expense deduction of actual and verified monthly work expenses of \$75, whichever is greater.

NOTE: This work expense deduction was increased from \$75 to \$90 per month for the AFDC cash assistance program effective October 1, 1989 based on the Family Support Act, Pub. L. 100-485. Therefore, the minimum work expense deduction for AFDC-related cases was increased accordingly effective October 1, 1989.

- (3) Self-Employment Deduction - AFDC-related medically needy only applicants/recipients with self-employment income are given a deduction for depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods.
- (4) Deduction of Recurring Medical Expenses - AFDC-related medically needy only applicants/recipients are permitted to project verified recurring and predictable medical expenses for the six month eligibility period.
- (5) Treatment of Veterans Administration Aid and Attendance and Housebound Allowances - These allowances are not income in the eligibility or the posteligibility determination process.

NOTE: The stipulations resulting from the Ginley, et al v. White, et. al. Civil Action No. 91-3290 in the United States District Court for the Eastern District of Pennsylvania court decision mandates these allowances are not income in the eligibility or the posteligibility determination process.

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(B) Aged, Blind, Disabled (SSI-related)

Refer to items numbered 10 b, c, d, on Attachment 2.6-A, pages 18, 19, 20.

The eligibility groups covered by the less restrictive income methodologies include those listed in Social Security Act sections 1902 (a)(10)(A)(ii)(VI), (a)(10)(C)(i)(III), and (a)(10)(A)(ii)(X), 1902(m)(1) and 1905(p).

- (1) Support and Maintenance In-kind - For SSI-related categorically needy nonmoney payment and medically needy only applicants/recipients, support and maintenance in-kind is not counted as income.
- (2) Treatment of Veterans Administration Aid and Attendance and Housebound Allowances - These allowances are not income in the eligibility or the posteligibility determination process.

NOTE: The stipulations resulting from the Ginley, et al v. White, et. al. Civil Action No. 91-3290 in the United States District Court for the Eastern District of Pennsylvania court decision mandates these allowances are not income in the eligibility or the posteligibility determination process.

- (3) Deduction of Recurring Medical Expenses - SSI-related medically needy only applicants/recipients are permitted to project verified recurring and predictable medical expenses for the six month eligibility period.

Protective statement for less restrictive income methodologies:

Pennsylvania will continue to apply the income limits of section 1903(f) of the Social Security Act, 42 U.S.C. section 1396b(f) to those groups of eligibles who are subject to section 1903(f) so that even with the less restrictive income eligibility methods permitted by section 1902(r)(2), income limits for Federal Financial Participation (FFP) will not be exceeded. The total deductions will not exceed the difference between the current Medically Needy Income standards and the maximum standards used in establishing the FFP limit.

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